

DISTRICT COURT (FIRST DISTRICT) [273]

SOUTHERN DIVISION CRIMINAL CASE FILES, 1875-1895.

9 cu. ft. and 14 microfilm reels

DESCRIPTION: An original indictment or arrest warrant which initiates a legal action together with all legal papers subsequently filed in connection with the criminal proceeding through disposition or dismissal of the case make up these case files. Case files document the legal process and the administration of justice in the southern division of the First Judicial District.

Criminal cases include both felonies and misdemeanors. Recurrent criminal offenses may include robbery, burglary, theft, riot, malicious destruction of property, extortion, distribution of unlawful substances, contempt, treason, desertion, assault, murder, etc.

Although the far flung First District Court was divided into two geographic divisions (northern and southern), only criminal files from the Southern Division are included in this series. The Southern Division, which generally sat at Provo in Utah County, encompassed Carbon, Emery, Grand, Juab, Millard, San Juan, Sanpete, Sevier, Uintah, Utah, and Wasatch counties. The Northern Division, which typically met at Ogden in Weber County, included Box Elder, Cache, Morgan, and Weber counties. The northern division became the newly created territorial fourth judicial district in 1892. Situated between the northern and southern divisions of the First District Court was the Third District Court (comprised of Davis, Salt Lake, Summit, and Tooele counties).

The court was required to hold a specified number of terms within the district each calendar year. Matters from throughout the several counties which made up the Southern Division were heard in Provo, Utah County. Cases from Utah County are most numerous but matters from outlying counties are included.

According to federal and territorial statutes, the district court has jurisdiction in all matters not prohibited by law. The court's appellate jurisdiction extends to all cases arising in probate, justice's, or U.S. Commissioners court. Upon receipt of an appeal, the district court conducted a complete retrial of the case. Certified copies of pertinent court documents were provided to the district court while the inferior court retained the original documents in its case file.

These case files document the legal process and the administration of justice in conjunction with criminal cases. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which it is annexed, upon conviction, a prescribed punishment. Records and documents pertaining to a particular action were maintained by the court clerk, who was required to file pleadings and other legal papers for cases arising throughout the district. Collectively they constitute the case file.

A criminal case is initiated with a complaint, information, indictment, or arrest warrant. The case file for a particular action includes the original complaint, summons, information, indictment, or arrest warrant together with all legal papers subsequently filed in connection with the court proceeding through disposition or dismissal. Criminal case files may include petitions to the court, complaints, transcripts of lower court dockets, injunctions, warrants of execution and confinement, warrants of death, notices of appeal, subpoenas, affidavits, orders to show cause, court orders to the jury or defendant, trial evidence, court judgment, and an enumeration of costs.

ARRANGEMENT: Case files are arranged numerically by consecutive case number. Two separate numbering systems exist in this series. Cases in the first (September 22, 1875, to September 20, 1887) are enumerated 28-499 while those in the second (August 22, 1889, to December 20, 1895) are designated 1-610. Case numbers were assigned when the documents initiating the case were filed with the court clerk. Documents added subsequently to individual case files generally are arranged chronologically within the file.

RESEARCH NOTE: Most original records created by the District Court in Utah County have not been transferred to the Utah State Archives and are retained by the court clerk or are in the Utah County Records Center. Accessibility of the case number assigned by the district court greatly facilitates locating the desired case file. No criminal case index is available [according to the *Preliminary Inventory of the County Archives of Utah*, vol. 25, Utah County (circa January 1940)], however case numbers may be procured through the Criminal Register of Actions, Sept. 1874-April 1887 and July 1888-December 1895; or the Civil Register of Actions, May 1887-June 1888; neither of which are held by the Utah State Archives.

Confusion may arise when documents and case files are inscribed with two or more case numbers. Cases on appeal may include the number first used by the inferior court as well as that later assigned by the district court. Sometimes a number was written in error and, later, corrected. The district court may have experimented with one or more numbering systems before finally adopting one. As criminal cases are considered an offense against the public,

the plaintiff may variously be recorded originally as "People," "United States," or "Territory of Utah."

RELATED RECORDS: Files of territorial civil and criminal cases adjudicated in the northern division were stored together until approximately 1888. Files of criminal cases heard prior to the separation of the files around 1888 are found in NORTHERN DIVISION CIVIL AND CRIMINAL CASE FILES, 1880-1891, series 1529. Criminal cases filed following the division are found in NORTHERN DIVISION CRIMINAL CASE FILES, 1888-1895, series 24053.

A compilation of miscellaneous documents from the earliest surviving territorial criminal cases from each of the three judicial districts is found in TERRITORIAL CRIMINAL CASE FILES, 1851-1858, series 24052.

For appeals to the district court the lower court records should be checked, as should the Territorial Supreme Court for appeals from the district court. At statehood in January 1896, district courts were established in each county. Cases still pending at statehood were transferred to the district court in the county of origin.

Utah County presumably retains custody of the following records listed in the *Preliminary Inventory of the County Archives of Utah*, vol. 25, Utah County (circa January 1940): Probate Minute Book, January 1885-circa 1940; Minutes of the Grand Jury, February 1884-December 1895; Criminal Register of Actions, September 1874-April 1887, July 1888-circa 1940; Civil Cases, October 1870-circa 1940; Civil Register of Actions, October 1870-circa 1940; and Index to Civil Register of Actions, October 1870-circa 1940.

CUSTODY HISTORY: Throughout the territorial period, case files were created and maintained by the clerk appointed by and serving at the pleasure of the judge of the district court. At statehood, the Utah County Clerk was constitutionally designated as ex-officio clerk of Fourth District Court in and for Utah County. The county/district court clerk maintained custody of the case files until their transfer to the Utah State Archives.

PROCESSING NOTE: Since 1983, case files have been listed as permanent records in the records retention policy of the Utah Judicial Council. Archival processing of these records was completed in December 2001 by W. Glen Fairclough, Jr. The criminal case files subsequently were microfilmed in August 2003.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

GAPS: An unknown number of cases presumably filed during the two-year span between

September 20, 1887, and August 22, 1889 (when the new numbering system was instituted), are unaccounted for.

CONTAINER LIST

Reel	Box	Description
1	1	28, 54-148 [1875, September 22-1879, September 3]
2	1	150-225 [1879, September 20-1882, February 22]
2	2	226-284 [1882, February 22-1884, September 3]
3	2	285-355 [1884, September 4-1885, October 16]
3	3	361-366 [1885 November 3-1886, February 4]
4	3	367-428 [1886, February 4-October 20]
5	3	429-499 [1886, October 20-1887, September 20]
6	4	1-46 [1889, September 2- 1890, May 10]
7	4	47-105 [1890, May 10-December 4]
7	5	108-126 [1890, December 4-1891, February 7]
8	5	127-190 [1891, February 18-October 1]
9	5	191-214 [1891, October 1-1892, February 5]
9	6	216-265 [1892, February 5-May 28]
10	6	266-315 [1892, June 11-1893, January 17]
10	7	316-323 [1893, January 17-January 24]
11	7	324-407 [1893, January 25-December 5]
12	7	408-426 [1893, December 5-1894, February 27]
12	8	427-473 [1894, February 27-October 4]
13	8	474-538 [1894, October 4-1895, July 8]
14	9	539-610 [1895, July 22-December 20]